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6 Jacelyn M. Auman and Architectural Detail Corporation, and for
Third Party Defendants, Barney J. Auman and Dustin Jeffery Auman

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10 Counterclaimant and Third Party Plaintiff, Pacific Columns, Inc.

11 UNITED STATES DISTRICT COURT
12
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 JACELYN M. AUMAN, an individual, and)
15 ARCHITECTURAL DETAIL)
16 CORPORATION, a Utah corporation,)

17 Plaintiffs,)

18 vs.)

19 ARCHITECTURALDEPOT.COM, a)
20 California business entity, and PACIFIC)
COLUMNS, a California business entity,)

21 Defendants.)

22 PACIFIC COLUMNS, INC., a California)
23 corporation,)

24 Counterclaimant,)

25 vs.)

26 JACELYN M. AUMAN, an individual, and)
27 ARCHITECTURAL DETAIL)
CORPORATION, a Utah corporation,)

28 Counterdefendants.)

CASE NO. C 04 3216 CW

STIPULATION FOR JUDGMENT, ~~PROPOSED~~
JUDGMENT, AND DISMISSAL WITH
PREJUDICE

Civil Local Rule 7-12

1 PACIFIC COLUMNS, INC., a California)
 corporation,)
 2 Third Party Plaintiff,)
 3 vs.)
 4 BARNEY J. AUMAN, an individual, and)
 DUSTIN JEFFERY AUMAN, an individual,)
 5 Third Party Defendants.)

6 **STIPULATION FOR JUDGMENT AND DISMISSAL WITH PREJUDICE**

7 Pursuant to Civil Local Rule 7-12, IT IS HEREBY STIPULATED by and among each
 8 of the parties in this action and their respective counsel, Kevin R. Martin of McNichols,
 9 Randick O'Dea & Tooliatos, LLP representing Plaintiffs and Counter-defendants, JACELYN
 10 M. AUMAN and ARCHITECTURAL DETAIL CORPORATION (hereinafter collectively
 11 referred to as "Architectural Detail"), and Third Party Defendants, BARNEY J. AUMAN
 12 (hereinafter referred to as "Barney Auman") and DUSTIN JEFFERY AUMAN, and Stephen N.
 13 Hollman of Business & Technology Law Group representing, Defendants and
 14 Counterclaimants ARCHITECTURALDEPOT.COM and PACIFIC COLUMNS, and
 15 Counterclaimant and Third Party Plaintiff, PACIFIC COLUMNS, INC. (hereinafter collectively
 16 referred to as "Pacific Columns"), as follows with each such counsel having being authorized
 17 by his clients to enter into this Stipulation for Judgment and Dismissal with Prejudice and
 18 requests the Court to enter judgment in conformity with this Stipulation:

19 1. Barney Auman has designed (i) contributions, or (ii) modifications to a number of
 20 composite decorative or ornamental capitals for certain types of columns, the original designs for
 21 which are based upon classic architectural orders emanating from the Greek and Roman eras.

22 2. Barney Auman has assigned certain of his rights in his designs to Architectural
 23 Detail. Insofar as is relevant here, those certain designs or photographs thereof are identified in
 24 the Complaint as the "Works".

25 3. Upon application by Architectural Detail or their assignors or predecessors in
 26 interest, the Copyright Office has duly issued registrations for copyrights on certain of the Works
 27 (hereinafter referred to as the "Registered Works").
 28

4. The Registered Works contain elements that are original works of authorship under 17 U.S.C. §§ 102 or 103.

5. In or about April 2003, Barney Auman, acting with the authority to bind the predecessor in interest to Architectural Detail Corporation, entered into an oral agreement with Pacific Columns whereby it was to, and did, purchase decorative or ornamental capitals for polyclassic columns from the predecessor in interest to Architectural Detail Corporation, that was represented by Barney Auman.

6. In or about November, 2003, Barney Auman caused such oral agreement to be terminated without any prior notice to Pacific Columns which action occasioned damages being sustained by Pacific Columns.

7. The Court, upon entering a Judgment pursuant to the foregoing stipulated matters, is hereby requested to dismiss this action, inclusive of the Complaint, First Amended Counterclaim, and First Amended Third Party Complaint, with prejudice to all parties, and with each party to bear its own attorneys' fees and costs.


Dated: April 7, 2005

Plaintiff and counterdefendant,
JACELYN M. AUMAN


Jacelyn M. Auman

Dated: April 7, 2005

Plaintiff and counterdefendant,
ARCHITECTURAL DETAIL CORPORATION

By: 
Barney J. Auman
[Print Title] Secretary - treasurer

Dated: April 7, 2005

Third party defendant,
BARNEY J. AUMAN


Barney J. Auman

Dated: April 7, 2005

Third party defendant,
DUSTIN JEFFERY AUMAN


Dustin Jeffery Auman

1 Dated: April 7, 2005

Defendant,
ARCHITECTURALDEPOT.COM

2 By: Pacific Columns, Inc.

3 By: [Signature]
Robert W. Sellek
President

4
5 Dated: April 7, 2005

Defendant,
PACIFIC COLUMNS

6 By: Pacific Columns, Inc.

7 By: [Signature]
Robert W. Sellek
President

8
9
10 Dated: April 7, 2005

Counterclaimant and Third Party Plaintiff,
PACIFIC COLUMNS, INC.

11 By: [Signature]
Robert W. Sellek
President

12
13
14 Dated: April 7, 2005

McNICHOLS RANDICK O'DEA & TOOLIATOS, LLP

15 By: _____
Kevin R. Martin
Attorneys for Plaintiffs, Cross-defendants
and Third Party Defendants

16
17
18 Dated: April 7, 2005

BUSINESS & TECHNOLOGY LAW GROUP

19 By: [Signature]
Stephen N. Hollman
Attorneys for Defendants, Counterclaimant,
and Third Party Plaintiff

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22
23
24 PURSUANT TO STIPULATION FOR JUDGMENT AND DISMISSAL WITH PREJUDICE,
25 IT IS SO ORDERED:

26 Dated: April __, 2005

27 _____
Hon. Claudia Wilken
United States District Court Judge

1 Dated: April 7, 2005

Defendant,
ARCHITECTURALDEPOT.COM

2 By: Pacific Columns, Inc.

3 By: _____
4 Robert W. Sellek
President

5 Dated: April 7, 2005

Defendant,
PACIFIC COLUMNS

7 By: Pacific Columns, Inc.

8 By: _____
9 Robert W. Sellek
President

10 Dated: April 7, 2005

Counterclaimant and Third Party Plaintiff,
PACIFIC COLUMNS, INC.

11 By: _____
12 Robert W. Sellek
President

13 Dated: April 7, 2005

McNICHOLS RANDICK O'DEA & TOOLIATOS, LLP

15 By: Kevin R. Martin
16 Kevin R. Martin
Attorneys for Plaintiffs, Cross-defendants
and Third Party Defendants

17 Dated: April 7, 2005

BUSINESS & TECHNOLOGY LAW GROUP

19 By: _____
20 Stephen N. Hollman
Attorneys for Defendants, Counterclaimant
and Third Party Plaintiff

21
22 PURSUANT TO STIPULATION FOR JUDGMENT AND DISMISSAL WITH PREJUDICE,
IT IS SO ORDERED:

/s/ CLAUDIA WILKEN

23
24 June 2
Dated: ~~April~~ __, 2005

Hon. Claudia Wilken
United States District Court Judge